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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY ______________

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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. $132,245.00 in U.S. Currency, Defendant.	NO. CV11-7180 - R(CWx) VERIFIED COMPLAINT FOR FORFEITURE [31 U.S.C. §§ 5317(c)(2) and 5332(a) and (c)(1)] [D.E.A.]

The United States of America brings this claim against the defendant $132,245.00 in U.S. currency ("defendant currency") and alleges as follows:

JURISDICTION AND VENUE

1. This is a civil forfeiture action brought pursuant to 31 U.S.C. §§ 5317(c)(2) and 5332(a) and (c)(1).

2. This court has jurisdiction over the matter under 28 U.S.C. §§ 1345 and 1355.

3. Venue lies in this district pursuant to 28 U.S.C. § 1395(b).

PERSONS AND ENTITIES

4. The defendant is $132,245.00 in U.S. currency seized in Calimesa, California on March 21, 2011.

5. The interests of Alain Gabriel Cyr (hereinafter "Cyr") may be adversely affected by these proceedings.

6. Plaintiff alleges that the defendant currency was concealed and transported or transferred into the United States with the intent to evade the currency reporting requirements of 31 U.S.C. § 5316, rendering it subject to forfeiture pursuant to 31 U.S.C. §§ 5317(c)(2) and 5332(a) and (c)(1).

7. The defendant currency was seized during the course of an investigation conducted by the Riverside County Sheriffs Department (hereinafter "RCSD"), the San Bernardino County Sheriffs Department (hereinafter "SBCSD") and the Drug Enforcement Administration (hereinafter "DEA"), and is currently in the custody of the U.S. Marshals Service, where it shall remain subject to this court's jurisdiction during the pendency of this action.

EVIDENCE SUPPORTING FORFEITURE

8. On March 21, 2011, at about 10:11 p.m., RCSD Deputy Peterson was traveling westbound on Interstate 10 when he observed a white 2010 Mercedes Benz SUV (CA license 6KKL303) (hereinafter "Mercedes") traveling westbound above the maximum speed limit. Peterson estimated that the Mercedes was traveling at approximately 78 to 80 miles per hour. Peterson initiated a traffic stop on the

Mercedes east of Cherry Valley in Calimesa, California.

9. Peterson contacted the driver of the Mercedes, who identified himself as Cyr. Peterson noticed that Cyr (the sole occupant of the Mercedes) avoided eye contact and was extremely nervous, squirming in his seat and smoking a cigarette. Cyr exited the Mercedes and spoke to Peterson on the shoulder of the road. When asked where he was coming from, Cyr paused and then told Peterson that he was coming from "Palm Beach." When Peterson asked if he meant Palm Beach or Palm Desert, Cyr paused, pointed down the road and said "no, the desert." Peterson asked where Cyr was from and he replied, Canada. Cyr claimed that he was visiting the area on vacation. Cyr stated that his Quebec, Canada license was valid and that he had no recent traffic citations. Cyr did not know where the vehicle registration for the Mercedes was located in the vehicle. Peterson and Cyr walked back to the Mercedes, where Cyr looked for the registration. Cyr stated that he had rented the Mercedes, but left the rental contract inside his hotel room at the Sheraton.

10. Cyr, who was wearing a long black coat, was patted down for weapons. Cyr said, "they don't do this stuff in Canada." Cyr's nervousness increased as he searched the Mercedes for the registration. Cyr would use his body to block Peterson's view of the Mercedes' interior compartment. Peterson noticed a small black duffle bag on the passenger side floorboard. Peterson checked Cyr's license status via radio dispatch. While waiting for a reply to the license inquiry, Peterson asked Cyr how long he had been in Palm Desert. Cyr repeated Peterson's question, asking "how long?" Cyr then stated that he was out there for the day. When asked if

he had been drinking due to his nervousness, Cyr stated that he did not like getting stopped by the police and had not been stopped in approximately five years. Peterson told Cyr that if his license came back valid, he intended to issue him a verbal warning.

11. When asked if he had anything illegal in the Mercedes, Cyr immediately replied, "I don't do drugs." When asked if Peterson could search the Mercedes, Cyr said, "of course." Cyr was allowed to retrieve his cigarettes from the Mercedes and then stood on the shoulder watching Peterson enter the vehicle. Peterson entered the Mercedes and opened the black gym bag on the front passenger floorboard area, which was the only item in that area of the car and the item that Cyr appeared to be blocking from Peterson's view. Inside the black bag, Peterson found a pair of jeans on top of a large yellow padded envelope. Upon squeezing the large yellow envelope, Peterson could feel what he thought were bundles of currency. Peterson opened the partially sealed sticky seal to the yellow envelope and discovered a large quantity of U.S. currency. Peterson searched the rest of the Mercedes and then walked back to Cyr.

12. Peterson asked Cyr again where he had been and Cyr said, "Palm Springs." Peterson advised Cyr that he had found a large amount of U.S. currency inside the Mercedes and asked Cyr where it came from. Cyr stated that he wanted to go to a casino, not answering Peterson's question. When asked how much money he had, Cyr said, "a hundred and something." Peterson repeated Cyr's answer and asked him to confirm the amount of money he possessed. Cyr then said he had "a hundred and thirty something." Peterson repeated Cyr's answer and Cyr said he had "one hundred and thirty

two." Dispatch advised Peterson that they were unable to verify Cyr's license from Quebec. When Peterson informed Cyr that he wanted to investigate further, Cyr told Peterson that he got the money from his father. When asked how he got the money into the United States, Cyr stated that he brought the money into the states from Canada. When asked if he declared the currency upon entering the United States, Cyr shook his head in a negative manner and said "no."

13. Based on the above, Peterson formed the opinion that the U.S. currency in the yellow envelope could possibly be narcotics related proceeds. Consequently, RCSD Deputy Harding and his trained narcotic detecting canine (Jasper) arrived and conducted a sniff test of the contents of the black gym bag. During the sniff test, Jasper alerted to the contents of the yellow envelope, suggesting that it contained something that had been in recent close proximity to narcotics.

14. Later that evening, at about 11:20 p.m., Cyr was interviewed by RCSD Deputy Harris concerning the large amount of currency he possessed. Harris interviewed Cyr, who was sitting in the front seat of Harris's car (not handcuffed), after obtaining a Miranda waiver. Cyr told Harris that he had flown from Quebec, Canada to Los Angeles, California earlier in the month (March 5, 2011) for a short vacation. Cyr told Harris that he had been staying at the Sheraton Hotel in Los Angeles and had rented the Mercedes. When asked where he was coming from prior to being stopped, Cyr claimed to have driven from the casino. When asked which casino, Cyr could not remember. When asked if he could show Harris the casino he visited, Cyr said that it was "the one off the

freeway." Cyr then abruptly claimed that he had only driven through the casino parking lot and had not gone inside the casino.

15. When asked if he had previously been to California, Cyr stated that he once lived in the United States, but had never been to California. When informed that there were numerous casinos closer to his hotel in Los Angeles County, Cyr said that he specifically researched the internet for the hotel he drove to that night. Cyr could not remember the name of the casino, nor could he show Harris where it was located.

16. When asked about the currency found in the envelope, Cyr stated that the money belonged to him and believed that it totaled about $132,000.00. Cyr claimed that he had inherited the money from his father, Bertrand Cyr, after he passed away in June 2010. When asked if he could provide the will or any probate records that would support his claim, Cyr said no and claimed that he found the money, which originally totaled $160,000.00, inside his father's house after he had died. Cyr was unable to provide the name of anyone who could corroborate his story. When asked where his father's house was located, Cyr told Harris that it was in Canada, but he declined to divulge the specific location. Cyr stated that he was surprised that his father possessed such a large amount of cash.

17. When asked what he intended to do with the money, Cyr told Harris that he traveled to California with the money to gamble. When advised that he probably should have gone to Las Vegas to gamble, Cyr chuckled and said that he preferred to come to Los Angeles. When asked which casinos he had visited in the past two weeks and how much he had won or lost, Cyr appeared puzzled and

said that he had not visited any casinos and had not gambled at all.

18. Cyr told Harris that he carried the currency with him when he flew into the United States. When asked if he divulged the currency to customs agents upon entering the United States, Cyr stated that customs officials looked in his bag and said nothing.

19. When asked why he thought a narcotic detecting canine alerted to the money in the yellow envelope, Cyr had no explanation, but denied that the money was involved in narcotics trafficking. Cyr said that the money came from a legitimate source, but would not elaborate. Cyr stated that he had been employed by GGC Credit in Quebec, Canada for the past 18 months, but could not recall the address or telephone number to his office. Cyr claimed that he earned approximately $2,400.00 per month and had investments that paid approximately $5.00 per month.

20. Based on the above, Cyr was arrested for a violation of California Health and Safety Code section 11370.6(a)(possessing narcotics related currency in excess of $100,00.00). Cyr possessed two cellular telephones, which were seized as evidence. In Cyr's wallet, officers found a handwritten currency count sheet, a handwritten note containing the name "Phil," and a telephone number with a 760 area code and the number 135.

21. With Cyr's consent, officers searched Cyr's room at the Sheraton Hotel in Los Angeles. Upon searching the hotel room, officers found Cyr's passport, Cyr's airline travel documents, Cyr's Hertz rental car documents, a handwritten note containing the name "Tom," "exit 130-134 Passo Repasso," telephone numbers with a 514 and 619 area code, Canadian currency in the amount of $160.00,

U.S. currency in the amount of $640.00, and a handwritten note containing a telephone number with a 310 area code.[1]

22. The currency in the yellow envelope was subsequently counted and determined to be $132,245.00 (comprised of the following denominations: 1,142-$100s; 144-$50s; 506-$20s; 7-$10s; and 131-$5s)(the defendant currency).

23. A subsequent review of the travel documents found in Cyr's hotel room indicated that Cyr had flown on March 12, 2011 from Montreal, Canada to Los Angeles, California via Cleveland, Ohio, on a Continental Airlines flight. The documents further indicated that Cyr originally planned to return to Canada on March 19, 2011, but changed his itinerary and was scheduled to leave the United States on March 23, 2011, returning to Montreal, Canada.

24. Subsequent investigation determined that Cyr had completed a U.S. Customs and Border Protection form 6059B, a Customs Declaration, upon entering the United States on or about March 12, 2011. On the form, which appeared to be signed by Cyr, bore the date of March 12, 2011 and contained Cyr's personal identifiers, Cyr checked a box indicating that he was not carrying currency or monetary instruments over $10,000. The Customs Declaration completed by Cyr was in the French language. However, the English translation of the form included the following question: "13. I am (we are) carrying currency or monetary instruments over $10,000 U.S. or foreign equivalent (see definition of monetary instruments on reverse)." In response to question 13, Cyr checked the "no" box.

[1] The currency found in Cyr's hotel room was returned to Cyr through his attorney.

FIRST CLAIM FOR RELIEF

(31 U.S.C. §§ 5317(c)(2) and 5332(a) and (c)(1))

25. Based on the above, plaintiff alleges that the defendant currency was concealed and transported or transferred into the United States with the intent to evade the currency reporting requirements of 31 U.S.C. § 5316, rendering it subject to forfeiture pursuant to 31 U.S.C. §§ 5317(c)(2) and 5332(a) and (c)(1).

WHEREFORE, the United States prays that due process issue to enforce the forfeiture of the defendant currency, due notice be given to all interested parties to appear and show cause why forfeiture should be not be decreed, that this court decree forfeiture of the defendant currency to the United States of America for disposition according to law, and for such other and further relief as this court may deem just and proper, together with the costs and disbursements of this action.

DATED: August 30, 2011

ANDRÉ BIROTTE JR.
United States Attorney
ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Criminal Division
STEVEN R. WELK
Assistant United States Attorney
Chief, Asset Forfeiture Section

P. Greg Parham

P. GREG PARHAM
Assistant United States Attorney
Asset Forfeiture Section

Attorneys for Plaintiff
United States of America

VERIFICATION

I, Steven P. Prymak, hereby declare that:

1. I am a special agent employed by the Drug Enforcement Administration and am the case agent for the forfeiture matter entitled United States v. $132,245.00 in U.S. Currency.

2. I have read the above Verified Complaint for Forfeiture and know its contents. It is based upon my own personal knowledge and reports provided to me by other agents.

3. Everything contained in the Complaint is true and correct, to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed August 30, 2011 in Riverside, California.

Steven P. Prymak

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Manuel Real and the assigned discovery Magistrate Judge is Carla Woehrle.

The case number on all documents filed with the Court should read as follows:

CV11- 7180 R (CWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

Unless otherwise ordered, the United States District Judge assigned to this case will hear and determine all discovery related motions.

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NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

[X] **Western Division** **312 N. Spring St., Rm. G-8** **Los Angeles, CA 90012**	[ ] **Southern Division** **411 West Fourth St., Rm. 1-053** **Santa Ana, CA 92701-4516**	[ ] **Eastern Division** **3470 Twelfth St., Rm. 134** **Riverside, CA 92501**

Failure to file at the proper location will result in your documents being returned to you.

COPY

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
UNITED STATES OF AMERICA

DEFENDANTS
$132,245.00 IN U.S. CURRENCY

(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):
Los Angeles

County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):
Los Angeles

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
ANDRÉ BIROTTE JR., United States Attorney
P. GREG PARHAM, Assistant United States Attorney
United States Attorney's Office, California Bar No. 140310
U.S. Courthouse, 14th Floor, 312 N. Spring Street, Los Angeles, CA 90012, Telephone: (213) 894-6528, Facsimile: (213) 894-7177

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

☒ 1 U.S. Government Plaintiff
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business in this State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No ☐ **MONEY DEMANDED IN COMPLAINT: $**__________

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
31 U.S.C. Sections 5317(c)(2) and 5332(a) and (c)(1)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce/ICC Rates/etc.
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities /Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 891 Agricultural Act
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900 Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes
- ☐ 890 Other Statutory Actions

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loan (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS — PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Fed. Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury-Med Malpractice
- ☐ 365 Personal Injury-Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

TORTS — PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/Accommodations
- ☐ 444 Welfare
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence Habeas Corpus
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus/ Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE / PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs
- ☐ 660 Occupational Safety /Health
- ☒ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt. Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS-Third Party 26 USC 7609

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: CV11-7180

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM JS-44C, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): ______

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)
- ☐ A. Appear to arise from the same or substantially identical transactions, happenings, or events;
- ☐ B. Involve the same or substantially the same parties or property;
- ☐ C. Involve the same patent, trademark or copyright;
- ☐ D. Call for determination of the same or substantially identical questions of law, or
- ☐ E. Likely for other reasons may entail unnecessary duplication of labor if heard by different judges.

IX. VENUE: List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

☒ Check here if the U.S. government, its agencies or employees is a named plaintiff.

Los Angeles

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

☐ Check here if the U.S. government, its agencies or employees is a named defendant.

Los Angeles

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

Los Angeles

X. SIGNATURE OF ATTORNEY (OR PRO PER): P. Greg Parham **Date** August 30, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))